

EPA's ROLE IN EMERGENCIES:

Response, Crisis Communications, Continuity of Operations, and Homeland Security

The **President-Elect's** transition and incoming teams could, at any time, face critical decisions regarding threat, risk, emergency response and disaster recovery efforts. The Federal Emergency Management Agency's (FEMA) National Response Framework (NRF) guides how the Nation responds to all types of disasters and emergencies, providing a single, comprehensive approach to domestic incident management. EPA is the lead federal agency for responding to releases of oil, hazardous substances and certain radiological materials. Programmatic responsibility for the NRF and related efforts is shared across the agency, usually led by the Office of Land and Emergency Management (OLEM), in collaboration with the Office of Homeland Security (OHS) and the Office of Public Affairs (OPA).

NATIONAL COORDINATION RESPONSIBILITIES

EPA Order 2071 (*National Approach to Response*) states that "[t]he Associate Administrator for Homeland Security (AA/HS) is responsible for EPA's planning, prevention, preparedness, and response to nationally significant incidents and provides agencywide policy, guidance and direction, and recommendations for resources on matters of homeland security. The AA/HS serves as the principal EPA contact with the Department of Homeland Security and the White House National Security Council (NSC), although OLEM has primary program leadership.

RESPONDING TO EMERGENCIES

EPA's federal interagency coordination and internal readiness for emergency response to releases is led by OLEM. The Agency's emergency response work is carried out by On-Scene Coordinators (OSCs), who are based in the 10 Regional EPA offices. There are approximately 230 OSCs located across the country to allow for quick response to emergencies. EPA shares the authority for response with the U.S. Coast Guard, which has responsibility for incidents in coastal zones. The Department of Energy and Department of Defense have the lead and act as OSCs for hazardous substance releases on or from their respective facilities. The National Oil and Hazardous Substances Pollution Contingency Plan integrates the statutes that govern EPA actions for releases/discharges respectively: the Comprehensive Environmental Response, Compensation and Liability Act (i.e., Superfund), Clean Water Act (CWA), and the Oil Pollution Act.

EPA may also support responses led by FEMA under the Stafford Act or by other Federal agencies, such as the Department of Health and Human Services. Examples of EPA support include oil/hazmat spill response; assessment of damage to drinking water and wastewater treatment infrastructure; issuance of waivers of EPA Clean Air Act fuel requirements; and technical support for the management of medical and other waste. In addition, EPA is the interagency lead for Emergency Support Function (ESF) 10, Oil and Hazardous Materials Response. ESFs specify the functions that are most likely needed during actual or potential incidents where a coordinated Federal response is required.

When an accidental release or spill occurs, the entity responsible is required by law to notify the National Response Center (NRC), which in turn notifies the OSC, who decides whether a Federal Response is necessary or if current response actions are appropriate. OSCs can oversee actions by the responsible party, direct their activities, or directly access cleanup contractors to ensure that the response is appropriate and protective of public health and the environment. The EPA HQ Emergency Operations Center (EOC) is the information hub for all EPA response work.

The EOC monitors the NRC reports 24 hours a day, 365 days a year. During an emergency, when an EPA OSC is deployed to a spill or disaster location, the EOC coordinates with the EPA Regional EOCs to disseminate information to senior leaders at HQ and Regional offices through special spot reports. For large events, OLEM will activate and fully staff the EOC to assist the Region in managing the emergency response.

During nationally significant incidents, the Administrator may choose to convene an **Executive Policy Coordinating Committee (PCC)** to address significant intra-agency and inter-agency national policy issues. The PCC, comprised of HQ and Regional senior leaders, is responsible for assessing, analyzing and formulating a coordinated agency position on questions, situations and incidents related to these incidents as they occur. This forum can also provide for the exchange of information among agency senior officials regarding the incident, including EPA operations on the ground.

At the field level, EPA operates within the Incident Command System (ICS). **The agency has developed ICS Management and Communications for Executives training for incoming appointees and senior leaders that will be useful as soon as possible after onboarding at the EPA.** This training will ensure an understanding of the NRF and how HQ, Regions and other U.S. departments/agencies interact during emergencies. Recognizing and ensuring consistent adherence to roles and responsibilities, from the field Incident Commander up to Senior Agency Officials, will ensure efficient management.

CRISIS COMMUNICATIONS AND MANAGEMENT

EPA's crisis communications and management work are accomplished collaboratively by OPA and OLEM, and reflects lessons learned from previous situations. In November 2015, Administrator McCarthy requested an after-action review of EPA's response to activities at the Gold King Mine (GKM) release on August 5, 2015. The GKM after-action review report identified opportunities for EPA to improve its incident response systems and better prepare for future emergency responses. The report identified an overarching concern that EPA did not identify the significance of the GKM release quickly enough and was delayed in adequately resourcing the response efforts. A general rule of thumb in response work is to "go early and go big" and the review report found this approach was not followed in the GKM response. Specific lessons learned focus on three main response areas: 1) response management system and implementation; 2) data and information management; and 3) outreach, communications and notification.

Recommendations were also outlined in the report, all of which were implemented by the December 2016 deadline, including:

- A National Incident Management Assistance Team (44 members) has been formed to help quickly establish Regional Incident Management Teams for nationally significant incidents and ensures the incident is managed appropriately using the federally mandated National Incident Management System for U.S. departments/agencies.
- The agency continued to focus on critical Data and Information Management Team efforts and products. A recently hired Data Management Coordinator will provide focused HQ leadership and support of the national data management efforts.
- Three Public Information Assistance Teams (18 members) are in place. Led by EPA Public Affairs Directors across the country, the team mission is to strengthen the agency's public affairs capabilities, provide national consistency, and provide communications assistance in the earliest days of an incident.
- The Agency's Crisis Communications Plan has been modernized to achieve a nimbler communications process and better utilize advances in technology. The plan incorporates process excellence principles and incorporates digital media platforms and data review and dissemination standards.

- Notification procedures have been upgraded to ensure timely notification to the accurate contacts so that potentially impacted communities are prepared to respond to a release.
- A Senior Agency Official Incident Management and Communications training plan has been established.

CONTINUITY OF OPERATIONS PROGRAM (COOP)

FEMA's National Continuity Programs mandate is to minimize the disruption of essential operations to guarantee an enduring constitutional government. Continuity of Operations (COOP) Program capabilities, including alternative facilities, ensure government agencies can continue to provide essential services in a crisis or catastrophic event that may disrupt normal operations. Any event that makes it impossible for employees to work in their regular facility could result in COOP activation. Thus, COOP could be needed in situations in which EPA is not responding (e.g., building fire at Federal Triangle), and COOP may not be needed when EPA is a responder. The criterion is focused on whether EPA can function at its regular location. OLEM manages the EPA's COOP Program, and the Agency's HQ COOP facility is located about 90 minutes away from the Federal Triangle Complex in the National Capital Region.

FEMA specifies Mission Essential Functions (MEF) that must be continued throughout or resumed rapidly after a disruption of normal activities. EPA's Primary Mission Essential Function (PMEF) is to "prevent, limit, mitigate or contain chemical, oil, radiological, biological, and/or hazardous materials/agents during and in the aftermath of an accident and/or natural or man-made disaster in designated zones of the United States, and provide environmental monitoring, assessment, and reporting in support of overall domestic incident management." The EPA is expected to perform its PMEF as soon as possible, but no later than 12 hours of being activated.

The incoming Administrator, Deputy Administrator, and all Assistant/Associate Administrators will need to be briefed on the COOP program and their roles associated with it. Upon appointment, FEMA will ask the Administrator to name the Assistant Administrator-level Continuity Coordinator for the agency. The Administrator is also able to review EPA's current Order of Succession, which designates EPA authority and responsibility if the Administrator and Deputy Administrator become unavailable, to determine if succession changes should to be made. A new Federal Continuity Directive 1, which provides directions on continuity planning, is expected to be completed by FEMA soon. EPA HQ COOP plan was signed in August 2016 and both HQ and Regional COOP plans must be updated annually. A National Continuity Exercise involving EPA and other agencies normally occurs in the May or June timeframe annually.

HOMELAND SECURITY

The Office of Homeland Security (OHS) coordinates EPA's national security-related White House policy engagements, facilitates agency policy contributions to these efforts, coordinates the EPA's 169 FTE/\$83 million homeland security program resources (which are distributed among nearly every Agency HQ office and Region) and engages with the intelligence community to alert agency leadership and programs to threats and other national security matters relevant to EPA's equities.

The EPA has been tasked by a variety of Presidential Directives to lead two homeland security functions: (1) protection of critical water infrastructure (drinking water and wastewater); and (2) cleanup up after a chemical, biological, or radiological (CBR) incident; to include conducting research and development to advance scientific capabilities in these areas. OHS leverages all relevant intelligence community and other executive branch partners to provide reporting and analysis that support EPA's collective efforts to prevent and protect against these types of incidents, both of which could have significant public health and environmental consequences.

Given growing threats, the Presidential transition may be a particularly vulnerable period requiring heightened EPA involvement with the Department of Homeland Security and the Intelligence Community. **Several Administrator, Deputy Administrator and Assistant Administrator-level meetings with the White House, coordinated by OHS, will likely occur in the first 90 days on a variety of homeland security/national security issues, including the new Administration's homeland security priorities.**

OHS, in collaboration with the HQ offices, has completed a systematic evaluation of EPA's preparedness and response capabilities for a biological, chemical or radiological attack, which, while acknowledging progress in several scientific, technical and operational competences, also identified significant remaining gaps. The EPA must continue to close remaining gaps in preparedness, response and recovery for its primary homeland security roles and, guided by the new Administration, set priorities, revise plans and establish budgets to address those gaps. Another significant gap to be closed is the cybersecurity gap that exists in the water sector. As the Sector Specific Agency for the Water Sector, EPA has responsibilities to work with utilities, share threat information (intelligence) and work with other departments and agencies to develop mitigation strategies to address certain threats against the water sector.

In addition, while the agency has made progress in meeting insider threat program requirements, it still must fully implement the required program and complete additional steps to reach Initial Operating Capability. Further, while EPA has developed a comprehensive HQ intelligence capability, the agency lacks the capacity to fully share intelligence and national security information with Regional offices. Greater integration of the Regional Offices with their local DHS-sponsored fusion centers and associated FBI Task Forces is an ongoing effort that will help address these limitations.

Many of EPA's steady state programs support mitigation and disaster recovery efforts, which are led by our partners at the state and local level. The goal of OHS' program is to build long-term resilience to disasters by applying EPA's expertise and streamline federal action to support communities with both pre-disaster planning and promoting sustainable and resilient rebuilding after disasters. With the right planning and community engagement, our mitigation and recovery investments have the potential not only to strengthen resilience to disasters, but also to protect human health and the environment